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## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional) 434704-049

In re Application of: Yehuda Azenkot et al.

Application No.: 10/729,179

Filed: December 6, 2003

FOR ESTABLISHMENT OF MULTIPLE UPSTREAM DOCSIS LOGICAL CHANNELS BASED UPON PERFORMANCE

The owner\*, <u>TERAYON COMMUNICATION SYSTEMS, NRC.</u> of <u>100</u>, percent interest in the instant ap plication here by disclarms, except as provided below, the terminal paid of the statutor y term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number <u>11/882,671</u> filed on <u>November 2,2007</u>. as such term is defined in 55 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patents or granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the grantee, its successors or assistant.

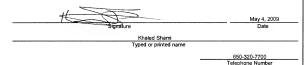
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on asal reference application, "as the term of a ny patent granted on said reference application may be shortened by any terminal disclaimer filled pri or to the grant of any patent on the pending reference application," in the event that any such patent, granted on the pending reference application; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filled prior to its grant.

 	 if appropriate

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1	1 1	For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency,
		To submissions on behalf of a business organization (e.g., corporation, participant, university, government agency,
		etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, a nd further that the ses statements were made with the knowledge that willful false statems and the like so made are punis hable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patient issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 38,745



✓ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information are required by 3T CFR 1.32.1 The information is required to obtain or retain a benefit by the public which is to file land by the USPTO to process) an application Confederatility in governed by 35 U.S. C. 122 and 37 CFR 1.13 and 1.4 This collection is estimated to lately mixture to complete including pathering, presaming, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or supgestions for reducing this burder, should be sent to the Chef Information Officer U.S. Patent and Trademark Office. U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 2231-1450, DO NOT SE ND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Debx andria, VA 2231-31-450.